

BILL ANALYSIS

By: Jack Harris

H.B. 1788

BACKGROUND:

The Supreme Court of Texas held that the Texas Water Commission, in issuing permits to use state (surface) water, must consider existing permits at their full face value and cannot grant the right to the same water to more than one party, Lower Colorado River Authority v. Texas Department of Water Resources, 689 S.W. 2d 873 (Tex. 1984). This decision has restricted the use of term permits for state water. A term permit is a permit for a term of years.

PURPOSE:

As proposed, H.B. 1788 would allow the Texas Water Commission to issue term permits for use of state water.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Chapter 11, Water Code, by adding Section 11.1381, to allow the Commission to issue permits for a term of years for certain state water with certain restrictions, and to provide that a term permit is subordinate to any senior appropriative water rights.

SECTION 2. Amends Section 11.146, Water Code, to make a conforming amendment.

SECTION 3. Amends Section 11.124, Water Code, to requires an application for a term permit to state that there is not an automatic right to renew.

SECTION 4. Effective date. September 1, 1987.

SECTION 5. Emergency clause.

DGH 5.8.87